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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Report of the Special Rapporteur on freedom of religion or belief, Ahmed Shaheed on his mission to Albania: comments by State*

Note by the Secretariat

The Secretariat has the honour to transmit to the Human Rights Council the comments by the State on the report of the Special Rapporteur on freedom of religion or belief, Ahmed Shaheed on his mission to Albania.

* Reproduced as received

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Report of the Special Rapporteur on freedom of religion or belief, Ahmed Shaheed on his mission to Albania: comments by the State

I. The Agency of Property Treatment

1. Pursuant to the Law No.133/2015 "On the Treatment of Property and the Completion of the Process for Property Compensation", the Agency has established procedures for prioritizing the issues of Religious Communities.

1. Review of applications for ownership recognition of Religious Communities

2. The Property Treatment Agency has set up a special Working Group with the purpose of carrying out administrative procedures, with priority the files of the Religious Communities. Currently, the Working Group has in administration 427 files and 108 requests of religious communities.

3. The Law No.133/2015 provided a three-year term to complete the review process for recognition/compensation records.

4. By decision no.1, dated 16.01.2017, the Constitutional Court abolished as unconstitutional the article 6 point 3 and point 5 of the Law No.133/2015 "On the Treatment of Property and the Completion of the Property Compensation Process".

5. Referring to the implementation of the Constitutional Court's decision, the Property Treatment Agency is awaiting the adoption of the relevant legal changes through which the legal framework for the treatment of property and the completion of the property compensation process will be implemented.

2. Review of Claims for Compensation of Religious Communities

6. The Property Treatment Agency, pursuant to the Law no.133/2015 on "Property Treatment and Completion of Property Compensation Process" and DCM no. 223, dated 23.03.2016 on "Determining the rules and procedures for the evaluation and distribution of the financial and physical fund for property compensation" has published in the Official Journal and the official web site the electronic register of estimated decisions for 1993, 1994 and 1995 which have recognized the right to property compensation.

7. From the data of this register, results that for the Religious Communities are made the evaluations of the final compensation decisions, as follows:

- 17 decisions made during 1994
- 34 decisions made during 1995

8. From these decisions one of them was financially compensated with a value of 3 922 194 lekë.

9. 23 Religious Communities are compensated in 70% with funds from ALUIZNI (The Agency for the legalization, urbanization and integration of the areas) during 2016 – 2017.

II. The Commissioner for Protection from Discrimination

10. **In the paragraph 29:** *Article 131 of the country's criminal code makes any activity that unlawfully prohibits or hinders the activities of religious groups punishable. The country's law* on *non-discrimination* ***(Law No. 10221; 2012)****, which provides additional*

protections for the freedom of religion or belief, is compatible with relevant European Union directives.

11. The year of the adoption of law "On Protection from Discrimination" is 2010 not 2012 It should be corrected.

12. **In the paragraph 30:** *According to information received by the Special Rapporteur, the Commission has been working in the area of access to justice, focusing particularly on training, monitoring and complaints. The Commissioner has been focusing on training police and judges on the anti-discrimination law and on specific issues such as gender equality, the rights of persons with disabilities, and hate crimes. The Commission is also developing a methodology for monitoring the judicial system, with a specific focus on discrimination in the court process.*

1. The Commissioner for Discrimination Protection has no authority to work in the area of access to justice. There is not accurate information.
2. The Commissioner has trained judges to raise awareness on the Law "On Protection from Discrimination".
3. The Commissioner has trained several groups of professions such as: Teacher; Police in 12 Circuits of Albania; Judges etc.
4. Raising awareness is one of the competencies of the Commissioner.
5. The court has an obligation to call Commissioner for opinion when the issue of judgment is related with discrimination or a third person.

13. **In the paragraph 31:** *According to information provided to the Special Rapporteur during a meeting with the Commission, it has only examined three cases since it was established in 2012.*

14. Is not *established* in 2012 but in 2010.

15. It should be *corrected*.

16. **In the paragraph "Recommendations, page 19:** *While the situation of freedom of religion or belief is generally benign, the government must address gaps in the legal framework such as on non-discrimination against the LGBTI community;*

17. The Law "On Protection from Discrimination" protects LGBTI rights in the field of goods and services, in the *field* of employment and in the field of education.

III. The State Committee for Cults

18. **In the paragraph 26, page 7:** the year of three Agreements signed was 2009, instead of 2008.

19. **In the paragraph 47, page 12:** The Muslim Forum of Albania registered in 2005, according to the information of Tax Directorate, is not active.